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ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS

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COMMERCE COMMISSION**

2007 MAY -2 P 4: 40

CHIEF CLERK'S OFFICE

Valencia Condo Association

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-vs-

:

Dominion Retail, Inc.

:

Docket No. 07-0252

Complaint as to billing / charges in Chicago,
Illinois.

:

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**THE RESPONSE OF VALENCIA CONDO ASSOCIATION TO DOMINION'S
MOTION TO JOIN ADDITIONAL PARTY, AMEND THE CAPTION AND
EXTEND THE SCHEDULE FOR PRE-HEARING CONFERENCE**

Now comes Valencia Condo Association ("Valencia" or "Association"), and
pursuant to Section 200.190 of the Rules of Practice of the Illinois Commerce
Commission ("Commission"), 83 Ill. Adm. Code Section 200.830, hereby responds to the
Motion of Dominion Retail, Inc. ("Dominion" or "Respondent") to (1) join an additional
party; (2) amend the caption to include Dominion's correct corporate name; and (3)
extend the schedule for the Pre-hearing Conference currently scheduled for May 8, 2007
("Motion"). In response, Valencia states the following:

Dominion's Request to Join Peoples Gas

1. On or about April 11, 2007, Valencia filed its formal complaint against Dominion
regarding serious billing problems and violations of the Commission's Rules and the
Public Utilities Act by Dominion for which Valencia sought certain remedies and
damages from Dominion pertaining to billing and service problems that began in
February 2006.

2. On or about April 17, 2007, Dominion was served with the complaint that underlies this proceeding.

3. On April 17, 2007, the Administrative Law Judge ("ALJ") issued a ruling scheduling a Pre-hearing Conference for May 8, 2007.

4. On April 20, 2007, Dominion filed the Motion to which Valencia now responds.

5. In its Motion, Dominion moves for the addition of Peoples Energy Services Corporation ("Peoples Gas")¹, citing Peoples Gas' position as Dominion's "billing agent." Motion at 2. According to Dominion, "Peoples Gas' participation in this proceeding is required to "resolve...issues related to the consolidated billing service." *Id.* Further, Dominion contends that Peoples Gas "played a direct and material role" in Valencia's allegation "regarding the length of time it took to terminate service from Dominion and return to utility service." *Id.*

6. The issues to be addressed in Valencia's complaint are specifically focused not on Dominion's relationship with Peoples Gas but rather on Dominion's business practices and lackluster customer service. The addition of Peoples Gas will not aid the Commission's review of Dominion's practices and lackluster customer service. Furthermore, the addition of a party at this stage will cause unnecessarily delay, thereby prejudicing Valencia.

7. Dominion has been aware of Valencia's allegations since February 17, 2006, the date upon which Valencia began its odyssey to terminate Dominion service and return to Peoples Gas' service.

¹ Valencia notes that Peoples Energy Corp. and WPS Resources Corp. merged to form Integrys Energy Group, Inc, effective February 21, 2007.

8. For the period between February 17, 2006, the date upon which Valencia first requested Dominion to switch back to Peoples Gas' system service, and February 12, 2007, the date upon which Todd Shaw, Dominion's Call Center Supervisor, acknowledged Dominion's gross errors in failing to contact Valencia, Dominion failed to respond to any of Valencia's myriad requests. During that same time period, Dominion failed to respond to the ICC Division of Consumer Services' attempts, on Valencia's behalf, to resolve these serious billing and service complaints in an informal manner.

9. More recently, in early February 2007, Valencia began receiving harassing phone calls from Dominion via a collections agency for a balance that Valencia paid under protest in November 2006. Dominion deposited said protest payment in December 2006. Only after Valencia complained to the Manager of the Commission's Energy Policy division did Dominion itself finally contact Valencia in February 2007 in regards to the balance paid under protest and admitted their gross error and apologized for the inconvenience caused to Valencia.

10. Valencia is concerned that Dominion is merely attempting to delay, yet again, Valencia's attempts to resolve these very serious billing and service issues.

11. As an Alternative Retail Gas Supplier, Dominion attests, on an annual basis, its compliance with certain managerial, technical, and financial requirements. These requirements do not – and should not – permit Dominion to hide behind Peoples Gas for its gross failures. Prior to contacting Peoples Gas' regulatory personnel, Valencia spent considerable time during which Dominion and Peoples Gas call center representatives pointed their fingers at each other.

12. Valencia has been harmed by Dominion's refusal to address its myriad billing and service issues.

13. Valencia opposes Dominion's Motion to add Peoples Gas insofar as it appears to be yet another delay tactic.

Dominion's Request to Amend the Caption

14. Dominion seeks to amend the caption of this proceeding to correct Dominion's corporate name.

15. Valencia does not oppose Dominion's requested amendment.

Dominion's Request to Extend the Schedule

16. Dominion seeks a forty-five (45) day extension to the schedule in order to "engage in potential settlement negotiations and to prepare its case." Motion at 2.

17. Valencia notes that, during the more than thirteen (13) months that Dominion has known of these billing and service errors, Dominion has failed to contact any of Valencia's representatives with regard to engaging in settlement negotiations or to its request for an extension. Dominion's request to extend the schedule based on the potential for settlement negotiations is thus disingenuous.

18. Valencia has been harmed by Dominion's lackluster customer care and refusal to respond to any of its requests. Moreover, Valencia has expended considerable time and resources to this odyssey to resolve these billing and service issues. Valencia requests that the ALJ maintain his current docket schedule so that Valencia may finally resolve these very serious billing and service issues.

19. Given that Dominion has had more than thirteen months to engage in either of the activities for which it now claims to require an addition forty-five days, Valencia opposes Dominion's request to extend the schedule.

WHEREFORE, Valencia Condo Association respectfully request that the Commission:

- 1.) Deny Dominion's Motion to add Peoples Gas;
- 2.) Grant Dominion's Motion to amend the caption;
- 3.) Deny Dominion's Motion to extend the schedule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Katie Papadimitriou', with a large, stylized flourish extending to the right.

Katie Papadimitriou
Valencia Condominium Association
5842 North Wayne Avenue
Chicago, Illinois 60660

Dated: May 2, 2007

CERTIFICATE OF SERVICE

I, Katie Papadimitriu do hereby certify that I have, on this 2nd day of May 2007 caused to be served upon the following individuals a copy of the foregoing Reply on behalf of Valencia Condominium Association in Docket 07-0252.



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